



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4905/P2
KRP:jld&emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 40.22 (2) (am) and 40.22 (2r) (intro.) of the statutes; **relating**
2 **to:** the determination of participating employee status under the Wisconsin
3 Retirement System (suggested as remedial legislation by the Department of
4 Employee Trust Funds).

Analysis by the Legislative Reference Bureau

This bill clarifies that an employee who was not participating in the Wisconsin Retirement System before July 1, 2011, and who is not expected to work at least two-thirds of full-time employment generally may not participate in WRS. Under current law, the standard that applies is whether the employee was initially employed on that date by an employer that participates in WRS.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Employee Trust Funds and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 40.22 (2) (am) of the statutes is amended to read:

2 40.22 **(2)** (am) Except as provided in sub. (2r), the employee was initially
3 employed by not a participating employer ~~on or after~~ employee before July 1, 2011,
4 and is not expected to work at least two-thirds of what is considered full-time
5 employment by the department, as determined by rule.

6 **SECTION 2.** 40.22 (2r) (intro.) of the statutes is amended to read:

7 40.22 **(2r)** (intro.) An employee who was ~~initially employed by~~ not a
8 participating employer ~~on or after~~ employee before July 1, 2011, who is not expected
9 to work at least two-thirds of what is considered full-time employment by the
10 department, as determined by rule, and who is not otherwise excluded under sub. (2)
11 from becoming a participating employee shall become a participating employee if he
12 or she is subsequently employed by the state agency or other participating employer
13 for either of the following periods:

NOTE: SECTIONS 1 and 2 clarify that, with certain exceptions, an employee may not participate in the Wisconsin Retirement System (WRS) if he or she was not a participating employee in the WRS before July 1, 2011, and is not expected to work at least two-thirds of what is considered full-time employment.

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(END)